

Message Text

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FM SECSTATE WASHDC

TO USMISSION IAEA VIENNA PRIORITY

C O N F I D E N T I A L STATE 168798

E.O. 11652: GDS

TAGS: PARM, TECH, IAEA, US

SUBJECT: NEGOTIATION OF SAFEGUARDS AGREEMENT PURSUANT TO US
VOLUNTARY OFFER

REF: A) IAEA VIENNA 3849 B) STATE 098323 C) IAEA VIENNA A-118

1. COMMENTS ON ARTICLE 12. A FOLLOW SEPTTEL. COMMENTS ON OTHER
ASPECTS OF MAY 2 DRAFT ARE PROVIDED BELOW.

2. RE ARTICLE 2.C, PREVIOUSLY CONSIDERED ACCEPTABLE, NRC
(OFFICE OF EXECUTIVE LEGAL DIRECTOR) HAS EXPRESSED CONCERN
THAT AGREEMENT LANGUAGE REFLECT USG RESPONSIBILITY FOR ASSURING
THAT THERE IS NO DISCRIMINATION BETWEEN US FACILITIES SIMILARLY
SITUATED. NRC HAS, THEREFORE, REQUESTED THAT ARTICLE 2.C
BE CHANGED TO READ QUOTE IN IDENTIFYING FACILITIES AND IN APPLYING
SAFEGUARDS THEREAFTER ON SOURCE OR SPECIAL FISSIONABLE MATERIAL
IN SUCH FACILITIES, THE AGENCY SHALL PROCEED IN A MANNER WHICH THE
AGENCY AND THE UNITED STATES MUTUALLY AGREE TAKES INTO ACCOUNT
THE REQUIREMENT ON THE UNITED STATES TO AVOID DISCRIMINATORY
TREATMENT AS BETWEEN UNITED STATES COMMERCIAL FIRMS SIMILARLY
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SITUATED UNQUOTE. CORRESPONDING CHANGE REQUESTED IN PROTOCOL

ARTICLE 2.C.

3. WE ASSUME THAT OMISSION, FROM MAY 2 DRAFT, OF NEW ARTICLE 1.C AS PROPOSED BY REF. C PARA. C AND MODIFIED BY REF. B PARA. 4 WAS INADVERTENT, SINCE NOWHERE ELSE IS THERE SPECIFIC STATEMENT THAT US HAS RIGHT TO WITHDRAW MATERIAL FROM ELIGIBLE FACILITIES. WE HAVE REINSERTED THAT ARTICLE BUT WOULD APPRECIATE CONFIRMATION.

4. MAY 2 DRAFT ALSO OMITTS FIRST PART OF ARTICLE 35.A. ASSUME MISSING PART SHOULD BE INCORPORATED AS IT APPEARS IN PREVIOUS DRAFT.

5. NEW ARTICLE 34.C ACCEPTABLE.

6. APPARENT ERROR NOTED IN ARTICLE 78.B, WHICH STATES THAT MAXIMUM TOTAL OF ROUTINE INSPECTIONS PER YEAR SHALL BE DETERMINED BY ALLOWING QUOTE FOR EACH SUCH FACILITY 30 X E MAN-DAYS UNQUOTE. PHRASE APPEARS SAME WAY IN PREVIOUS DRAFT, BUT WE ASSUME THAT THIS SHOULD READ QUOTE 30 X SQUARE ROOT OF E MAN-DAYS UNQUOTE, AS IN INFCIRC/276 PARA 80. B.

7. QUOTE QUANTITY UNQUOTE IN LAST LINE OF ARTICLE 53 SHOULD BE QUOTE QUALITY UNQUOTE.

8. SUGGEST INSERTING QUOTE PURSUANT TO ARTICLE 3 OF THIS PROTOCOL UNQUOTE IN PROTOCOL ARTICLE 2.C AFTER QUOTE ARRANGEMENTS UNQUOTE.

9. SUGGEST DELETING LAST THREE WORDS OF PROTOCOL ARTICLE 7 AND REPLACING WITH QUOTE WHEN VISITING THE ACILITY IN ACCORDANCE WITH ARTICLE 11 OF THIS PROTOCOL UNQUOTE.

10. ARTICLE 25 OF THE MAY 2 PROTOCOL DRAFT OMITTS "SHIPPER, RECEIVER DIFFERENCES". THIS SHOULD BE ADDED AS ITEM D. AND ITEMS D. AND E. RE-LETTERED. KISSINGER

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